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520.39871VX2/NT0318US3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hiromasa TAKAHASHI *et al.*
Appl'n No. : 10/755,285
Filed : 13 January 2004
For : MAGNETORESISTIVE SENSOR INCLUDING
MAGNETIC DOMAIN CONTROL LAYERS HAVING
HIGH ELECTRIC RESISTIVITY, MAGNETIC
HEAD AND MAGNETIC DISK APPARATUS
Group AU : 2824
Examiner : Anh K. Phung
Conf. No. : 1632

RESPONSE TO ELECTION OF SPECIES

Mail Stop Amendment
Commissioner for Patents
POB 1450
Alexandria, Virginia 22313-1450

19 April 2005

Sir:

In response to the Office Action mailed 29 March 2005 in connection with the above-identified application, the following amendments and remarks are respectfully submitted.

PENDING CLAIMS

Claims 19-40 were pending for consideration and examination in the present application at the time of mailing of the Office Action. Upon entry of this paper, Claims 19-40 remain pending for consideration and examination in the present application.

ELECTION

In order to comply with the election of species requirement, Applicant provisionally elects for prosecution on the merits the species of FIGs. 20-22, including at least Claims 19-24.

NO ADMISSION - RESTRICTION/ELECTION

Applicant submits that the instant response (including the comments submitted and the provisional election) is not an admission on the record that the respective species are separately distinct species and/or obvious variants.

CONTINUATION(S)/DIVISIONAL(S) FOR NON-ELECTED SUBJECT MATTER

Despite any traversal set forth in other parts of this paper regarding any restriction/election, one or more continuation/divisional application is being filed to pursue subject matter not elected in the present application. Applicant submits that any filing of continuation(s)/divisional(s) should not be taken as any prejudice, admission or disclaimer that the restriction/election is correct, but instead, is merely use of separate applications to move the other subject matter through the patenting process.

CONTINUATION(S)/DIVISIONAL(S) - DOUBLE PATENTING PROHIBITED

Regarding any related continuation/divisional application(s) filed to pursue subject matter identical to or consonant with Restriction/Election subject matter not elected in the present application, it is respectfully submitted that the third sentence

of 35 USC §121 and MPEP §804.01 prohibit any double-patenting rejection between this and the related continuation/divisional applications.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

EXAMINER INVITED TO TELEPHONE

The Examiner is invited to telephone the undersigned at the local D.C. area number of 703-312-6600, to discuss an Examiner's Amendment or other suggested actions for accelerating prosecution and moving the present application to allowance.


CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

If it is found that the elected pending Claims 19-24 are allowable, and the only bar to allowance is the presence of non-elected, withdrawn Claims 25-40, Applicant respectfully charges the Examiner to cancel such non-elected and withdrawn claims from the present application and promptly pass the case to issue.

This Response is being submitted within the shortened statutory period for response set by the Office Action dated 29 March 2005, and no Petition for extension of time is required or proper for entry of this paper. Further, no additional claims fees are required for entry of this paper. To whatever other extent is actually appropriate and necessary, please charge any actual fee deficiency to ATSK Deposit Account No. 01-2135 (as Case No. 520.39871VX2).

Respectfully submitted,



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